Repealed by 74-1954

ORDINANCE NO. 2
1954 SERIES

AN ORDINANCE TO LICENSE, LIMIT, REGULATE, AND TAX CERTAIN GAMES INVOLVING AN ELEMENT OF SKILL, PROVIDING PENALTY, AND DE* CLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ELGIN DO ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any person, co-partnership, firm or corporation within the City of Elgin, to have, operate, lease, place or permit to be operated or used, or to have in his possession, any game known as pinball, shuffleboard, bowlers, or other mechanically operating games or amusement, or games of like character, which involve an element of skill, without first obtaining an operator's annual license and the issuance of a permit as provided herein, and in addition, the payment of a monthly machine license fee as provided herein. Coin operated merchandise dispensers are specifically excluded from this ordinance.

Section 2. Wherever the word "person"appears in this ordinance, it shall mean and include a natural person, a firm, a co-partnership or a corporation, and the singular number shall include the plural, the masculine gender shall include the feminine and neuter, and visa versa, in each case. Wherever the word "operator" appears in this Ordinance, it shall mean any person who owns, leases, controls, or has charge of any such machines, either one or more.

Section 3. The operator's annual license fee for the right to operate said machine or machines, or any similar devices, for amusement, as provided herein, shall be $250.00 per year, to be paid to the City Recorder in advance.

Section 4. In addition to the annual operator's license fee, the said operator shall pay a monthly license fee for each machine so operated or placed, leased, or permitted to be operated as follows, to-wit: Pinball games, shuffleboard, bowlers, or any and all other games, involving an element of skill, $ 5.00 per month, or any fraction thereof, payable in advance on the first day of each month. For each and every one of the machines so licensed as herein provided, a license tag or sticker shall be affixed to said machine and any machine not carrying said license tag or sticker is subject to seizure by the Chief of Police, of Elgin, Oregon.

It is further provided that at the time the monthly license for each machine is applied for, the Common Councilshall have the authority, under this Ordinance, to refuse to license any type of machine or game deemed by the Common Council to be improperly operated or of an improper type.

Any operator or owner desiring to sell, lease, distribute, place, or locate for operation, or to operate, in the City of Elgin, any pinball game, shuffleboard, bowlers, marble game, or other game, device or machine, the playing or operation of which involves an element of skill shall make written application for license so to do and file the same with the City Recorder. Such application shall show the name, address, and place of business of the applicant, a description of the machine or machines, device or game sufficiently to identify the same. Such application shall be referred by the City Recorder to the Common Council, City of Elgin, and such Common Council shall investigate the applicant and the machines, devices or games he desires to have licensed. If, upon investigation, the Common Council shall approve the granting of the license applied for, the Council shall return the application to the Recorder with its endorsement of approval and the Recorder shall thereupon issue the necessary license and stickers or tags.

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And it is further provided that the said Common Council may at its discretion, grant, or refuse to grant, any license to any applicant or for the operation of any machine.

Section 5. It shall be unlawful for any person, firm, co-partnership or corporation, to operate any of the games of amusement herein set out without first having paid the operator's fee herein provided, and secondly, having a monthly license for each machine or device or game so operated and when so licensed, such machine or game shall lawfully be within the City of Elgin. It shall be unlawful for any operator to permit any minor to operate any machine or device or game licensed hereunder.

Section 6. Any person violating any of the provisions of this Ordinance, shall, upon conviction thereof in the Recorder's Court of the City of Elgin, be punished by fine not exceeding $100.00, or by imprisonment in the City Jail for a period of not exceeding 20 days, and by revocation of the license or licenses held by such person as in its discretion the Common Council shall decide.

Section 7. The provision of and obedience to this Ordinance being necessary to restrain and restrict the operation of said mechanical devices and games within the City of Elgin, in order to preserve the public peace, health and safety and an emergency is hereby declared to exist and this Ordinance shall take effect and be in force from and after its passage and approval, and posted as by Charter provided.

PASSED and ADOPTED this 3rd day of February, 1954, by 5 Councilmen voting therefor.

APPROVED this 3rd day of February, 1954.

Rex C. Roulet
Mayor

Attest:

C P Miller
City Recorder.